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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,254	03/12/2004	Douglas J. Sanchez	30923811.WPD	8214

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EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,254

Applicant(s)

SANCHEZ ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/26/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/26/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Detailed Action

Drawings

The Examiner accepts the drawings filed on July 26, 2004.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

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The claims fail to positively recite structural relationship between the interface and the processor. Clarification is requested.

For the purpose of art consideration, Examiner will construe a direct communication between the interface and the processor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, *except* that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

Claims **1-41** are rejected under 35 U.S.C. 102(e) as being anticipated by Keresman, III et al. (US 7,051,002).

Re claims **1** and **19**, Keresman et al disclose a system and method for processing an electronic payment transaction (figs. 2-3, col. 3, line 11-15, line 30-34), comprising:

an interface (i.e. 100, comprises interface module 102) for receiving a request for processing the electronic payment transaction (col. 5, line 66 – col. 6, line 14) from a payment terminal (50, col. 5, line 25-33 and line 58-65, i.e. the payment request is the checkout transaction initiated by the consumer/cardholder at his/her computer terminal

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50 upon completion of a purchase transaction. The payment information will be processed by the request layer 110, see col. 9, line 65 – col. 10, line 6) the request including a format type (col. 6, line 4-14, i.e. a plurality of different payment types); and a processor (200, col. 7, line 22-65) for:

determining the format type of the request (col. 6, line 67 – col. 7, line 5, col. 10, line 47-63);

identifying a host computer configured to process the determined format type; and transmitting the request to the identified host computer (col. 5, line 41-45, col. 10, line 47-63, Keresman et al disclose that because of the different types of payment, the formatted message will routed to the issuing entity i.e. "host" for authentication).

Re claims **2** and **20**, Keresman et al also disclose the processor (200, see also discussion w/r to claim 1) is further configured for receiving a notification from the identified host indicating whether the request is approved (col. 10, line 63-67, col. 11, line 1-20). Keresman et al disclose that the processor "MAPS" 200 receives enrollment status confirmation from the issuing entity i.e. "host" regarding a consumer/cardholder). and transmits this confirmation message to the merchant's server 100, i.e. the interface. Hence, it is inherent that a non-confirmed message about enrollment of a consumer/cardholder sent by the issuing entity to the merchant's server 100 constitutes an error message as claimed.

Re claims **3** and **21**, Keresman et al also disclose the interface (100, see discussion w/r to claim 1 above) is further configured for receiving a notification from the

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identified host indicating whether the request contains an error message (col. 10, line 63-67, col. 11, line 1-20). Keresman et al also disclose that the issuing entity i.e. "host" transmits a confirmation message about the enrollment status of a consumer/cardholder to the merchant's server 100, i.e. the interface via the processor "MAPS" 200. Hence, it is inherent that a non-confirmed message about enrollment of a consumer/cardholder sent by the issuing entity to the merchant's server 100 constitutes an error message as claimed.

Re claims **4-5** and **22-23**, Keresman et al disclose an authentication process wherein the processor is further configured for sending the notification to the payment terminal (See discussion w/r to claims 3 and 21, col. 10, line 63-67, col. 11, line 1-29). Keresman et al disclose that the processor "MAPS" 200 receives enrollment status confirmation from the issuing entity i.e. "host" regarding a consumer/cardholder and transmits this confirmation message to the merchant's server 100, i.e. the interface. This enrollment confirmation status message is ultimately being relay to the consumer/cardholder via the merchant's server 100 web page).

Re claims **6** and **24**, Keresman et al disclose formatting data i.e. payment transaction requests into specific message format such as XML, and transmitting these formatted data over HTTPS protocol (col. 6, line 54-56, col. 7, line 1-7). Data packets having header information as claimed are inherently implied from the XML formatted data transmitted over HTTPS protocol.

Re claims **7** and **25**, Keresman et al disclose the processor "MAPS" 200 adapted to encode i.e. process/format message data into XML, and to transmit these data over

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HTTPS protocol (col. 7, line 47-50, col. 8, line 12-14). Encoding header information is inherently implied in the processing/formatting of message data into XML format to be transmitted over HTTPS protocol.

Re claims **8** and **26**, which further recite the header information is encoded using an Extensible Markup Language, see discussion w/r to claims 6-7 and 24-25 above.

Re claims **9** and **27**, in Keresman et al, the request for processing the electronic payment transaction relates to authorizing the transaction (see discussion w/r to claim 1. The authorization of payment is carried out through the authentication process between the merchant's server i.e. interface and the issuing entity i.e. "host" via the processor 200 "MAPS". See col. 10, line 53-67 for example).

Re claims **10** and **28**, in Keresman et al, the request for processing the electronic payment transaction (see discussion w/r to claims 1-9 and 19-27) is the process of settling the transaction (see also col. 5, line 66 – col. 6, line 14).

Claims **11-18** and **29-36** have been analyzed and rejected w/r to claims 1-10 and 19-28 above.

Re claim **37**, Keresman et al disclose computer and server to facilitate the electronic payment processing system and method. Hence, a serial connection inherently implied. For example, a USB (universal serial bus) connection.

Re claims **38-40**, Keresman et al disclose the same internet protocol as claimed (col. 5, line 58-65). TCP/IP is inherently implied in the internet protocol.

Re claim **41**, Keresman et al disclose processing electronic payment requests over the internet (see discussion w/r to claims 1 and 38-40). Hence, accessing the internet would inherently necessitate a modem.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dent et al, US 2002/0026396 pertains to a system and method for facilitating personal electronic financial transactions.

Boylan et al, US 2003/0028484 pertains to a method and system for inter-terminal payment processing.

Dunn et al, US 2005/0171899 pertains to a system and method for electronic payment clearing.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan

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9/14/2006